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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of Morocco*

I. General information

1. Given the principle of the precedence of ratified international conventions over domestic legislation, please indicate the cases in which the Covenant has been invoked before the courts or applied by them. Please describe the content and impact of judgement No. 28 of the Court of Cassation of 13 January 2010 with respect to the Covenant and inform the Committee whether the State party has considered ratifying the Optional Protocol to the Covenant.

2. Please provide updated information on the monitoring by the National Council for Human Rights and the Ombudsman of complaints of violations of the rights recognized in the Covenant. Please give information on the measures taken to ensure that the civil society organizations working in the area of economic, social and cultural rights, in particular those in Western Sahara, are able to operate freely.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 1, paragraph 1
Right of self-determination

3. Please provide updated information on the initiative for the expanded autonomy of the local populations, indicating how the Sahraouis are being consulted. Please explain how that initiative will settle the issue of the self-determination of Western Sahara.

* Adopted by the pre-sessional working group at its fifty-fifth session (9–13 March 2015).

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Article 1, paragraph 2
Natural wealth and resources

4. Please give precise information on the efforts made by the State party to guarantee in law and in practice respect for the principle of the prior, free and informed consent of the Sahraouis concerning the exploitation of natural resources in Western Sahara, and provide data on the Sahraouis' enjoyment of the profits of these projects.

Article 2, paragraph 1
Obligation to take steps to the maximum of available resources

5. Please provide information on the impact of the establishment in 2007 of the Central Authority for the Prevention of Corruption (ICPC) and on the progress of Bill No. 113-12 on the authority to promote integrity and prevent and combat corruption. Please indicate whether the State party has taken account of the observations of civil society in order to improve the above-mentioned Bill and whether it has taken other measures to combat corruption effectively.

6. Please provide up-to-date statistical data on budget allocations, in percentages of gross domestic product, to the various sectors relating to economic, social and cultural rights.

Article 2, paragraph 2
Non-discrimination

7. Please indicate whether the State party intends to adopt overarching legislation prohibiting all forms of discrimination in all spheres, in accordance with article 2, paragraph 2, of the Covenant.

8. Please describe the recent efforts made to reduce the disparities between rural and urban areas. Please provide information on the measures taken to eliminate discrimination against girls and against children born out of wedlock with regard to access to inheritance.

9. Please indicate the measures taken by the State party to overcome the obstacles encountered by refugees and asylum seekers in accessing education, employment, health services, housing and social services. Apart from the work permits granted to migrants, please indicate the measures taken to combat racial discrimination against migrant workers, in particular those of sub-Saharan origin.

10. Please describe the efforts made to eliminate discrimination against Amazighs in terms of access to education, employment and health services. Please give details of the progress of the organization bills relating to the establishment of Amazigh as an official language and describe the involvement of the Amazighs in this respect.

Article 3
Equal rights of men and women

11. Please provide information on the results achieved through the government plan for equality and eventual parity for the period 2011–2015, and also the efforts to complete the reform of the laws intended to abolish all provisions discriminating against women and to reduce the discrepancies between de jure and de facto equality, in particular with regard to the exercise of their economic, social and cultural rights.

III. Issues relating to specific provisions of the Covenant (arts. 6–15)

Article 6
Right to work

12. Please provide information on the results achieved through measures designed to reduce the rate of unemployment and to broaden the targets of the active employment programmes. Please also describe the efforts made to improve the quality of employment.

13. Please indicate whether the bill relating to the rights of persons with disabilities has been adopted and describe the results obtained following the evaluation of the implementation of the decree relating to the employment of persons with disabilities.

Article 7
Right to just and favourable conditions of work

14. Please describe the efforts made to improve the minimum wage, particularly for agricultural workers, to increase the number of labour inspectors and to strengthen means of recourse in labour disputes. Please give information on the national strategy that was to be prepared by the National Institute on Living Conditions at Work. Also provide information on the framework bill relating to occupational health and safety and on the establishment of new occupational medical inspections.

15. Please give information on the efforts made to combat de facto discrimination against women in the employment market, the results of the study initiated concerning the situation of female civil servants in posts of responsibility and the creation of an observatory for the gender-based approach in the civil service. Also indicate whether the objective set by the State party of 22 per cent of posts of responsibility reserved for women by 2014 has been achieved and whether other measures have been taken to increase that quota.

16. Please give information on the implementation of the provisions of the Criminal Code relating to the prohibition of sexual harassment, in particular the number of complaints lodged, prosecutions initiated and convictions handed down.

Article 8
Trade union rights

17. Please indicate whether the bill on the strengthening of trade union freedoms has been adopted and whether the provisions of article 288 of the Criminal Code have been revised in conformity with the Covenant and the above-mentioned bill. Please specify whether the State party has simplified the administrative procedures relating to the establishment of trade unions and whether trade union freedoms are also protected in Western Sahara.

Article 9
Right to social security

18. Please describe the efforts made to ensure that private enterprises respect the obligation of affiliation to the social security system, particularly in rural areas, and to

improve the social coverage of employees in the agricultural sector. Please give information on the adoption of the bill establishing the conditions of work and employment of domestic workers and indicate whether that bill is in conformity with the Covenant.

Article 10
Protection of the family, mothers and children

19. Please describe the progress and results of the "Tamkine-Migrants" project initiated in 2011, which is designed to improve the enjoyment of social and economic rights by migrant women and children in Morocco. Please provide information on the situation of women and children leaving for Europe, particularly on the right to education of unaccompanied minors.

20. Please describe the measures taken to combat the prevalence of violence against women, which was 55 per cent in 2010, and to provide victims of violence with shelter, health care and effective legal remedies. Please give information on the sentences and convictions handed down in cases of violence against women. Please provide information on cases of child marriage and forced marriage and on the measures taken by the State party to eliminate such practices. Also describe the efforts made by the State party to protect children placed in shelters against violence and to promote their rights to health and education.

Article 11
Right to an adequate standard of living

21. Please give detailed updated information and statistical data on the results of the poverty reduction programmes implemented. Please also report on efforts to provide children in rural areas with sufficient food.

22. Please provide up-to-date information on the results achieved in the housing sector. Please indicate how the State party ensures that these measures equitably cover the various regions and also urban and rural areas. Please give information on the programmes for homeless persons and indicate how the State party manages cases of eviction in order to guarantee the affected persons' right to housing.

Article 12
Right to physical and mental health

23. Please give information on the enactment of the decree that was intended to permit changes in the prices of a substantial number of medications. Please describe the efforts made to ensure access to quality health services in rural areas and prisons and to reduce the rates of maternal and infant mortality. Also provide information on the measures taken to facilitate access to primary health care for migrants in transit.

24. Please indicate whether the establishment of a new strategy for the treatment of mental illnesses has been effective, including with the construction of infrastructure in the most remote areas and the training of medical personnel, and describe the results achieved to date.

Articles 13 and 14
Right to education

25. Please provide information on the establishment of private schools and the impact that privatization would have on the education system, in particular to prevent school dropout, to combat inequalities in access to education and to ensure full application of the principle of compulsory and free primary education for all. Please give information on the measures taken to improve the quality of public education, including in the preschool sector, to expand teaching of the Amazigh language at all levels and to make higher education accessible in Western Sahara.

Article 15
Cultural rights

26. Please give information on measures taken to guarantee the registration of Amazigh first names and the use of Amazigh on public television channels. Please indicate to what extent the Amazighs have participated in the implementation of the National Action Plan for Democracy and Human Rights 2011–2016 and how they have benefited from that Plan.

27. Please give up-to-date information on efforts to foster the participation of Sahraoui artists in festivals organized by the State party and to promote the Saharo-Hassani language and culture.

28. Please describe the measures taken to facilitate access to culture and science for all, particularly for persons with disabilities.